

REMARKS

The Examiner is thanked for the performance of a thorough search and for considering the references submitted in the Information Disclosure Statement filed on February 10, 2005.

Claims 1-5, 21-24, and 27 have been amended herein. Claim 26 has been canceled. No claims have been added. Hence, Claims 1-16, 21-25, and 27 are pending in the application.

Each issue raised in the Office Action mailed November 16, 2005 is addressed hereinafter.

I. INTERVIEW SUMMARY

A telephone interview in the present application was held on February 2, 2006. Examiner Roche and Applicants' representatives Christopher J. Palermo and Stoycho D. Draganoff attended the interview. A proposed amendment to Claim 1 was discussed in view of Day et al., U.S. Patent No. 5,953,526 ("DAY").

Agreement regarding the patentability of the discussed claims was not reached. The Applicants' representatives pointed out that DAY does not describe at least the feature of Claim 1 of generating a marshalling module to convert a data object of the class of data objects into a data item of the data exchange format as described by the third data. The Examiner indicated that in light of this feature Claim 1 would need further consideration.

II. ISSUES RELATING TO THE CITED ART

A. INDEPENDENT CLAIM 1

Claim 1 has been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by DAY. The rejection is respectfully traversed.

Claim 1 recites:

wherein the data exchange format defines, using symbolic tags, a hierarchical structure of data that is exported from, and imported to, data objects of the class of data objects;

automatically **generating**, based on the first data and the second data, **third data that describes the data exchange format**, wherein the third data comprises instructions defining a mapping between attributes of the class of data objects and elements of the data exchange format;
generating a marshalling module to convert a data object of the class of data objects into a data item of the data exchange format as described by the third data.

DAY does not teach or suggest the above features of Claim 1.

1. DAY does not teach, describe, or suggest the feature of Claim 1 of generating a marshalling module to convert a data object of the class of data objects into a data item of the data exchange format as described by the third data

The marshalling module featured in Claim 1 is a module for converting a data object instantiated from an object class into a data item of the data exchange format described by the generated third data. One example of an embodiment that can generate a marshalling module is depicted in Applicants' FIG. 1A. Further, FIG. 1C of the present application depicts one example of an embodiment that provides for including a marshalling module into the executable code of a computer application. Thus, Claim 1 features generating a marshalling module, which may subsequently be included in a computer application in order to provide that computer application with the capability of exporting data from data objects instantiated by the application. In contrast, DAY does not teach or suggest generating modules of any kind, let alone the marshalling module featured in Claim 1.

For example, as discussed above, DAY does not describe a data exchange format that defines the hierarchical structure of data that is exported from, and imported to, data objects of a class of data objects. Thus, DAY cannot possibly describe generating a module for converting data objects instantiated from a class into data having such data exchange format.

Further, while DAY may be describing the generation of HTML documentation files (e.g. DAY, col. 7, lines 38-39; FIG. 3), there is absolutely nothing in DAY that teaches or suggests

that such HTML documentation files somehow represent a computer application module of any kind, let alone represent a marshalling module as featured in Claim 1. On the contrary, as depicted in FIG. 3 of DAY, the combined HTML documentation (FIG. 3, ref. 64) generated by the DAY system is something completely different than the Java source code files (FIG. 3, box above refs. 57 and 62) and the Java bytecode classes (FIG. 3, ref. 62).

For the above reasons, DAY does not teach, describe, or suggest, the feature of Claim 1 of generating a marshalling module to convert a data object of the class of data objects into a data item of the data exchange format as described by the third data.

2. DAY does not teach, describe, or suggest the feature of Claim 1 of a data exchange format that defines, using symbolic tags, a hierarchical structure of data that is exported from, and imported to, data objects of a class of data objects

The Office Action does not provide citations to any passages of DAY to support its assertion that DAY describes the above feature of Claim 1. Further, while the Office Action alleges that the HTML documentation files generated by the DAY system are equivalent to the third data of Claim 1, the Office Action does not state what exactly in the HTML documentation files it considers as equivalent to the data exchange format that is described by the third data of Claim 1. It is respectfully submitted that DAY does not describe or suggest anything that is equivalent to the above feature of Claim 1.

In general, DAY teaches a system for generating HTML documentation that describes a Java class and includes the text of any messages that a Java Virtual Machine executing the bytecode of the class would display to a user. (DAY, col. 7, lines 27-45; FIGs. 2 and 3.) More specifically, DAY teaches that the generated combined HTML documentation describes the public classes defined in the JAVA source files (col. 6, lines 46-51; col. 7, lines 37-40), and also

includes the text of messages that would be displayed to a user when the bytecode generated for a class is executed (col. 8, lines 4-8; FIG. 3.) However, the HTML documentation and the text of the messages displayed to a user are not equivalent to the data exchange format featured in Claim 1. The data exchange format featured in Claim 1 defines, using symbolic tags, a hierarchical structure of the data that is exported from, and imported to, data objects. There is absolutely nothing in DAY that teaches or suggests that the generated HTML documentation or the text of any user messages include any symbolic tags that define a hierarchical structure, as featured in Claim 1.

Further, the messages described in DAY are “the messages the program gives the user during the running of the program” (col. 7, lines 32-34). These messages are what a **user** would see and have absolutely nothing to do with a data exchange format for exporting **data** from, and importing **data** to, data objects instantiated from a class of data objects as featured in Claim 1.

For the above reasons, DAY does not teach, describe, or suggest, the feature of Claim 1 of a data exchange format that defines, using symbolic tags, a hierarchical structure of data that is exported from, and imported to, data objects of a class of data objects.

Since, as discussed above, DAY does not teach, describe, or suggest all features of Claim 1, Claim 1 is patentable under 35 U.S.C. § 102(b) over DAY. Reconsideration and withdrawal of the rejection of Claim 1 are respectfully requested.

B. INDEPENDENT CLAIMS 21-23

Independent Claims 21-23 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by DAY.

Claims 21-23 include features similar to the features of Claim 1 discussed above. Thus, it is respectfully submitted that Claims 21-23 are patentable under 35 U.S.C. § 102(b) over DAY

for at least the reasons given above with respect to Claim 1. Reconsideration and withdrawal of the rejections of Claims 21-23 are respectfully requested.

C. DEPENDENT CLAIMS 2-5, 7-8, AND 13-16

Claims 2-5, 7-8, and 13-16 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by DAY.

Claims 2-5, 7-8, and 13-16 depend from independent Claim 1 and thus include each and every feature of the independent claim. Thus, each of Claims 2-5, 7-8, and 13-16 is allowable for at least the reasons given above for Claim 1. In addition, each of Claims 2-5, 7-8, and 13-16 introduces one or more additional features that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those features is not included at this time. Therefore, it is respectfully submitted that Claims 2-5, 7-8, and 13-16 are allowable for the reasons given above with respect to Claim 1.

D. DEPENDENT CLAIMS 6 AND 9-12

Claims 6 and 9-12 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAY in view of alleged Applicants' Admitted Prior Art ("AAPA").

The Office Action reliance on "AAPA" is improper. The Office may rely upon admissions by an applicant only under extremely narrow circumstances. An admission may establish knowledge of the invention by others or public use or sale. MPEP §706.02(c). A statement by an applicant during prosecution identifying the work of another as "prior art" is an admission that the work is available as prior art against the claims. Similarly, where the specification identifies work done by another as "prior art," the subject matter so identified is treated as admitted prior art. See MPEP §2129 (citing cases). Thus, an applicant must actually

and affirmatively admit that something is “prior art” for that something to qualify as “applicant admitted prior art.”

In rejecting Claims 6 and 9-12, however, the Office Action apparently takes a far more expansive view. As best as the Applicants can determine, the Office Action contends that the subject matter described in paragraphs [0004] and [0005] in the Background section of the present application is “applicants’ admitted prior art.” This is incorrect as a matter of law. The Applicants have not labeled paragraphs [0004] and [0005] of the present application as “prior art.” The Applicants have not labeled drawings in the present application as “prior art.” The Applicants do not use the term “prior art” to refer to anything in the present application. Consequently, the present application contains nothing that can properly be deemed as “applicants’ admitted prior art.”

Further, Claims 6 and 9-12 depend from independent Claim 1 and thus include each and every feature of the independent claim. In rejecting Claims 6 and 9-12 the Office Action relies explicitly on DAY, and not on any alleged “AAPA”, to show the features discussed above with respect to Claim 1. Because DAY does not teach the subject matter of Claim 1, any combination of DAY with any alleged “AAPA” necessarily fails to teach the complete combination of features recited in any dependent claim of Claim 1. Thus, each of Claims 6 and 9-12 is allowable for at least the reasons given above for Claim 1.

For the above reasons, Claims 6 and 9-12 are patentable under 35 U.S.C. § 103(a) over DAY in view of alleged “AAPA”, and thus reconsideration and withdrawal of the rejections of these claims is respectfully requested.

E. INDEPENDENT CLAIM 24

Independent Claim 24 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAY in view of alleged “AAPA”. However, as discussed above, the Office

Action reliance on “AAPA” in the present application is improper. For this reason alone, the rejection of Claim 24 must be reconsidered and withdrawn.

Claim 24 includes the subject matter of now-canceled Claim 26, which subject matter is allowable as indicated in the Office Action. Further, Claim 24 includes features similar to the features of Claim 1 discussed above. In rejecting Claim 24 the Office Action relies on DAY, and not on any alleged “AAPA”, to show the features discussed above with respect to Claim 1. Because DAY does not teach these features of Claim 1, any combination of DAY with the alleged “AAPA” also fails to teach the subject matter of Claim 24. Thus, Claim 24 is allowable for the reasons Claim 26 is allowable and also for the reasons given above with respect to Claim 1.

Therefore, Claim 24 is patentable under 35 U.S.C. § 103(a) over DAY in view of alleged “AAPA”, and thus reconsideration and withdrawal of the rejection of Claim 24 are respectfully requested.

F. DEPENDENT CLAIMS 25 AND 27

Claim 25 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAY in view of alleged “AAPA”. Claim 27 has been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all features of the base claim and any intervening claims.

Claims 25 and 27 depend from independent Claim 24 and thus include each and every feature of the independent claim. Thus, each of Claims 25 and 27 is allowable for the reasons given above for Claim 24. In addition, each of Claims 25 and 27 introduces one or more additional features that independently render it patentable. For example, the Office Action has indicated that Claim 27 includes allowable subject matter. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate

discussion of those features is not included at this time. Therefore, it is respectfully submitted that Claims 25 and 27 are allowable for the reasons given above with respect to Claim 24.

III. CONCLUSION

The Applicants believe that all issues raised in the Office Action have been addressed. Further, for the reasons set forth above, the Applicants respectfully submit that allowance of the pending claims is appropriate. Reconsideration of the present application is respectfully requested in light of the amendments and remarks herein.

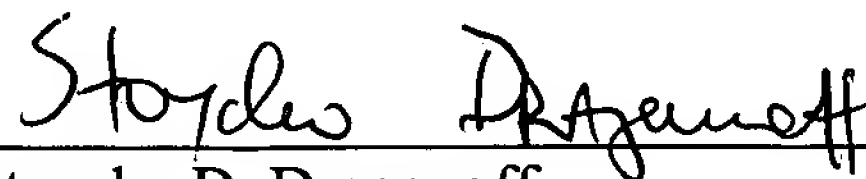
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firm check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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Stoycho D. Draganoff
Reg. No. 56,181

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1080 ext. 208
Facsimile No.: (408) 414-1076